


*WHATCOM COUNTY COUNCIL AGENDA BILL**NO. 2003 - 242*

CLEARANCES		Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.:	County Council	6/26/2003		7/22/2003	Introduction
Division Head:				8/5/03	Council
Dept. Head:		7-14-03			
Prosecutor:					
Budget:					
Executive:					

*SUBJECT:*

Resolution initiating an emergency amendment to WCC 20.82.030

*ATTACHMENTS*

Proposed resolution

*SUMMARY STATEMENT:*

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N)	Requested Date:
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This resolution would forward a proposed code amendment to the Whatcom County Planning Commission for review. The proposed amendment would revise the WCC 20.82.030 to state that applications for electrical substations and power lines would be processed as Major Development Permits and operate on land where such permits have already been granted or in those districts classified as industrial, or operate at 115kv and carry greater than 160mw loading except on land where such permits have already been granted or in those district classified as industrial. Transmission facilities proposed to serve generation loads greater than 16mw must be located in industrial zones with access to existing 230kv transmission lines. An exception for 115,000 volt line to operate up to engineered capacity would be made for routine maintenance and under emergency conditions.

*RECOMMENDED MOTION (for final action):**COUNCIL ACTION TAKEN*

2003 - 242    7/22/2003: Introduced  
8/5/2003: Approved 6-0 Resolution 2003-051

*Related File Numbers:**Ordinance or Resolution Number (this item only):*

Res. 2003-051

SPONSORED BY: CONSENT  
PROPOSED BY: CASKEY-SCHREIBER  
INTRODUCED: JULY 22, 2003

RESOLUTION NO. 2003-051

INITIATING AN EMERGENCY AMENDMENT TO  
WHATCOM COUNTY CODE 20.82.030

**WHEREAS**, the provisions of Whatcom County Code (WCC) 20.90 indicate that proposed amendments to Title 20 and the official Whatcom County zoning map shall be docketed for consideration once per year; and

**WHEREAS**, WCC 20.90 also provides for initiation of "emergency" amendments outside the annual amendment cycle upon approval of a resolution passed by a two-thirds majority of the County Council, to place the proposed amendment(s) on the WCC Title 20 and official zoning map initiated amendment annual docket; and

**WHEREAS**, an "emergency amendment" is one which is necessary in order to preserve the health, safety, or welfare of the public or support the economic or environmental well being of the county; and

**WHEREAS**, on December 4, 1990, the Whatcom County Council adopted Ordinance 90-124, placing into law the initiative passed by the voters of Whatcom County which restricts electrical power transmission lines of greater than 115,000 volts to lands where permits have already been granted or in those districts classified as industrial; and

**WHEREAS**, it has been brought to the attention of the Whatcom County Council that power lines of 115,000 volts could be powered with greater amperages than usual, and electrical science demonstrates that greater amperage loads create greater electromagnetic fields, interference, and other negative impacts; and

**WHEREAS**, the public has brought forward concerns to the Whatcom County Council regarding the health, safety, and economic impacts of lines of 115,000 volts which may carry very high amperage loads; and

**WHEREAS**, there are concerns for public safety and property from the possible location of high power transmission lines in close proximity to people's houses, animals, and barns; and

**WHEREAS**, some of the concerns include, but are not limited to, falling lines and poles, possible negative health effects from electromagnetic fields created by large amperage loads being carried on undersized lines, stray voltage effects on dairies, and devaluation of property; and

**WHEREAS**, the majority of residential appraisers (DeLaney and Timmons, 1992) indicate a negative influence on property market value from a home or property's close proximity to power lines; and

**WHEREAS**, studies have shown that homes or property can experience a measurable loss in property values due to their proximity to high-voltage overhead power lines; typically most will experience at least a 6.3% average negative impact (Hamilton and Schwann, 1995), and some homes or property (Bolton and Sick, 1999) can lose as much as 10 to 53.8% of their value with high-voltage overhead power lines; and

**WHEREAS**, the County Council wishes to take steps to address the inherent rights of its citizens by requiring transmission lines to occur within existing corridors, such as Whatcom County's current 230kv (230,000 volt) power line corridors; and

**WHEREAS**, the Whatcom County Council wishes to upgrade the current code to address the community's concerns regarding health, safety, and economic impacts relating to high power transmission lines in Whatcom County; and

**WHEREAS**, the County Council, by Ordinance #2000-027, established a Utilities Planning and Advisory Committee to address utility issues including electrical transmission power-lines; and

**WHEREAS**, the Utility Planning and Advisory Committee and the Whatcom County Planning Department have worked diligently on this issue and have assisted in the formation of the attached Exhibit A proposed code amendments.

**NOW, THEREFORE, BE IT RESOLVED** that the Whatcom County Council hereby initiates an emergency amendment to Whatcom County Code 20.82.030, as indicated in Exhibit A to this resolution, to address the community's concerns regarding health, safety, and economic impacts relating to high power transmission lines in Whatcom County.

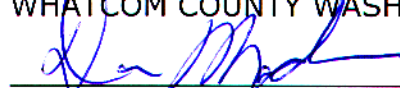
**APPROVED** this 5th day of August, 2003.

ATTEST



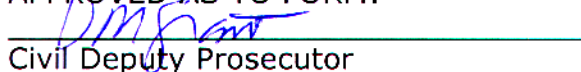
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY WASHINGTON



Dan McShane, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor



# **EXHIBIT A**

## **WHATCOM COUNTY CODE CHAPTER 20.82.030**

### **20.82.030 Conditional uses.**

The following uses shall require a conditional use permit or major project permit and shall be subject to a threshold determination in accordance with the Whatcom County SEPA Ordinance:

(1) Transmission pipelines, or pipelines termed a distribution pipeline but having characteristics that fit the definition of a transmission pipeline, carrying petroleum and petroleum products other than natural gas when such pipelines will be located outside the zoning district classified as Heavy Impact Industrial.

(2) Regional transmission pipelines for the bulk conveyance of natural gas, or pipelines termed a distribution pipeline but having characteristics that fit the definition of a transmission pipeline. Except for the above conditions, natural gas pipelines which are owned and operated by a gas utility company regulated by the State Utilities and Transportation Commission and which are distribution lines owned by the utility that provide natural gas service directly to county citizens and businesses shall not be considered regional transmission lines.

(3) New sewer and/or water lines with an inside diameter greater than eight inches except for the following which shall be permitted outright:

(a) New sewer and/or water lines located and installed by a public utility or municipality in conformance with a state approved sewer and/or water comprehensive plan and consistent with the Whatcom County Comprehensive Plan.

(b) New sewer and/or water line(s) whose principal function is to provide service to a new development(s) approved either by Whatcom County or a municipality.

(c) New sewer and/or water lines for the purpose of addressing a health emergency documented by the state or county health department.

(4) Electronic communications structures including associated maintenance and operations structures, provided this section shall not apply to any structures associated with wireless communications facilities.

(5) Water storage reservoirs with volumes exceeding 50,000 gallons or those with height in excess of 12 feet above the ground level measured within 20 feet in all directions of the tank.

(6) Utility structures located above ground such as pump stations, equipment buildings and similar structures greater than 100 square feet in area.

(7) Sewer and water treatment plants.

(8) Electrical substations and electrical power lines ~~carrying operating at voltages in excess of greater than 55kv (55,000 volts); provided, that no conditional use permit shall be granted for electrical transmission lines carrying more than 115 kv (115,000 volts) except on land where such permits have already been granted or in those districts classified as industrial. applications for such substations and power lines shall be processed as a Major Development Permit (pursuant to WCC20.88); provided that no further conditional use permit shall be granted for such lines which;~~

(a) Operate at greater than 115kv (115,000 volts) except on land where such permits have already been granted or in those districts classified as industrial, or

(b) Operate at 115kv (115,000 volts) and carry greater than 160mw (160 mega-watts) loading except on land where such permits have already been granted or in those districts classified as industrial, or

(c) Transmission facilities proposed to serve generation load greater than 16mw must be located in industrial zones with access to existing 230kv (230,000 volt) transmission lines.

(d) An exception for 115,000 volt lines to operate up to engineered capacity shall be made for routine maintenance and under emergency conditions. (Ord. 2002-017 § 1, 2002; Ord. 2000-006 § 7, 2000; Ord. 99-067, 1999; Ord. 96-056 Att. A § T1, 1996; Ord. 90-124, 1990; Ord. 88-29, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987).